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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

ANDREW WALKER
410 Carson Road
St. Louis Missouri 63135

Plaintiff,

v.

AMAZON ADVERTISING LLC
410 Terry Ave. N.
Seattle, Washington, 98901

Defendants.

Case No.

Judge:

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Andrew Walker complains against the Defendant Amazon Advertising LLC as set forth below.

NATURE OF THE ACTION

1. This is an action for patent infringement and arises under the patent laws of the United States, codified in Title 35 of the United States Code.

THE PARTIES

2. Plaintiff Andrew Walker is an inventor with inventions and business projects involving said inventions in connection with his company Walkerfeller Investors LLC having its principal place of business at 410 Carson Road, St. Louis Missouri, 63135.
3. Upon information and belief, Amazon Advertising LLC is a Foreign Limited Liability Company having its principal place of business at 410 Terry Ave N, Seattle, Wa, 98109.

JURISDICTION AND VENUE

4. This is a patent infringement case, and this Court has subject matter jurisdiction under 28 U.S.C. section 1331 and 28 U.S.C. section 1338(a).
5. Venue in this judicial district is appropriate based on 28 U.S.C. sections 1391 (b) (c), and 1400(b), in that the Defendants do business in this district and have sold infringing products via internet commerce in this district.

BACKGROUND FACTS

6. Plaintiff, Andrew Walker is a product developer/inventor and owns Walkerfeller Investors LLC a business that, among other things, creates, originates, offers for sale, and sells unique aroma fragrant products in the home and garden markets, on the boardwalk of Venice Beach, and throughout the United States. Andrew Walker primarily sells its products via on the boardwalk of Venice Beach, located in the State of California or on line. This product line includes a number of types of aroma fragrant dispensers.

This line of fragrant dispensers are covered by Andrew Walker's U.S. design patents.

These fragrant dispenser's products include, as a common feature, a genie bottle structure.

7. Several of Andrew Walker's genie Bottle sculptures designs are within the scope of United States Design Patent No. D593,191, entitled "Fragrant Oil Burning Lamp", which issued from the United States Patent and Trademark Office (USPTO") on May 26, 2009, to inventor Andrew Walker. A copy of the Patent is attached to this Complaint as Exhibit A.
8. On information and belief, Amazon Advertising LLC commercializes the same types of products

as Andrew Walker and Walkerfeller Investors LLC, namely decorative genie bottle product in the home and garden, clothing, and art markets, in direct competition with Andrew Walker and his company Walkerfeller Investors LLC. Specifically, and particularly relevant to this action, Amazon Advertising LLC has engaged in the creation, the use, the importing, the offering for sale, and the sale of a product line that has a genie bottle structure. This product line can be commonly described as a Genie Bottle/ Jeannie Bottle, and is reflected by products marketed under the names “Genie Bottle” and “Jeannie Bottle”, as shown in Exhibits B T, respectively (collectively “Infringing Products”). Upon further information and belief, Amazon Advertising LLC’s activities with respect to these Infringing Products, and possible other products, infringe Andrew Walker’s rights under the Patent. Upon further information and belief, Amazon Advertising LLC, distributes, produces, sells, and/or offers for sale these Infringing Products in this judicial district, via internet commerce or other means in this judicial district, has substantial and continuous contacts with this judicial district, and conducts systematic business in this judicial district.

Upon information and belief, Amazon Advertising LLC has sold and continues to sell, and has offered for sale and continues to offer for sale Infringing Products, including the Genie Bottle/Jeannie Bottle product shown in Exhibit B.

COUNT I –PATENT INFRINGEMENT

9. Plaintiff Andrew Walker, expressly incorporates by reference the allegations of paragraphs 1 8, as though fully set forth herein,
10. On information and belief, Amazon Advertising LLC has infringed and continues to infringe, and has induced others to infringe and/or contributed to the infringement of the Patent, by its manufacture, use, offering for sale, sale and/or importation into the United States of the above

described Infringing Products.

11. Plaintiff Andrew Walker has notified Amazon Advertising LLC that this activity infringes on Andrew Walker's rights, but Amazon Advertising LLC response did not indicate that the infringing activity would be stopped. For these and other reasons, the Defendants' acts of patent infringement complained of herein are being carried out willfully and willfull knowledge of Andrew Walker's rights in the Patent.
12. As a result of Defendants actions, Andrew Walker and his business Walkerfeller Investors LLC has suffered and continues to suffer substantial injury, including irreparable injury and monetary damage, including loss of sales and profits, which Andrew Walker would have made but for the acts of infringement by the Defendants. Such injury and damage to Andrew Walker will continue unless the Defendants are enjoined by this Court from further infringement.

PRAYER FOR RELIEF

WHEREFORE, Andrew Walker prays for the following relief against Defendant.

- A. That a judgment be entered against Defendant, that the Defendant has infringed, induced others to infringe, and/or contributed to the infringement of United States Design Patent No. D593,191 .
- B. That Defendant, its agents, sales representatives, servants and employees, associates, attorneys, parents, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or participation with any or all of them, be enjoined and permanently restrained from further infringing United States Design Patent No. D593,191.
- C. That a judgment be entered requiring each Defendant to pay to Andrew Walker monetary

damages sustained by Andrew Walker due to such acts of infringement, including lost profits or reasonable royalty under 35 U.S.C. section 284, or alternatively, the Defendant's total profit under 35 U.S.C. section 289.

- D. If Andrew Walker's monetary recovery occurs under 35 U.S.C. section 284, that such damages payable to Andrew Walker be trebled under 35 U.S.C. section 284 for willful infringement.
- E. That this case be adjudged and decreed exceptional under 35 U.S.C. section 285, and that Andrew Walker be awarded its reasonable attorney fees.
- F. That Andrew Walker be awarded costs and prejudgment interest on all damages.
- G. And that Andrew Walker be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Andrew Walker hereby demands and request trial by jury of all issues raised that are triable by jury.

Respectfully Submitted,


s/ Andrew Walker /Pro Se

410 Carson Road

St. Louis Missouri, 63135

Telephone: 213.800.6512

To Clerk:

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Please file case and send copies.
Consist of 30 pages petition pages, Exhibits A-T,
Andrew Walker
213 800 6512 Phone

